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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/531,604

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Paul Zwart

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

SONG, SARAH U

ART UNIT

PAPER NUMBER

2874

MAIL DATE

DELIVERY MODE

09/25/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.		Applicant(s)	
	10/531,604		ZWART, PAUL	
	Examiner		Art Unit	
	Sarah Song		2874	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-12, 14 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-12, 14 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's communication filed on July 6, 2007 has been carefully considered and placed of record in the file. Claims 9, 13 and 16 are canceled. Claims 1-8, 10-12, 14 and 15 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-8, 10-12, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coffman et al. (U. S. Patent Application Publication 2006/0053036 previously relied upon).**
4. Regarding claims 1-8 and 14, Coffman et al. discloses a medical examination system comprising a medical examination device (e.g. 120, 580) and a control device (e.g. 40, 540) to operate the medical examination device, wherein the control device transmits signals comprising control signals ("medical care order", ¶[0103]) accompanied by an identification code ("identifier", ¶[0104]) and wherein the examination device is provided with means to verify the identification code and is arranged to accept the corresponding control signals when the identification code is correct and to reject the corresponding control signals when the identification code is not correct characterized in that the examination system further comprises communication means (e.g. MTC 100 or "built in transmitter/receiver", ¶[0100]) for automatically communicating the identification code between the control device and the

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examination device. The communication means are arranged to receive the identification code from the medical examination device for transmittance to the control device or vice versa. The communication means are also arranged to receive the identification code from the control device for transmittance to the examination device. The communication means are arranged for periodically transmitting the identification code and the control device is provided with memory means for temporal storage of the identification code (e.g. storage 45). The communication means comprise IR transmitter means and the control device is provided with IR receiver means. The communication means comprise interrogation means for periodically retrieving the identification code from the control device, wherein the interrogation means comprise an RFID reader and the control device is provided with an RFID tag. The control device may also be provided with a radio frequent transmitter and the examination device may be provided with a radio frequent receiver. Coffman et al. further discloses erasing means for erasing the identification code from a memory of the control device after a predetermined time (§[0072]). See also Figures 1 and 4, §[0065], [0100]-[0104].

5. Coffman et al. does not expressly disclose wherein the identification code comprises a room identification code. However, Coffman et al. discloses that other information may be communicated as needed (§[0108]). Furthermore, RFID tags for object tracking were well known in the art at the time of the invention. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide room identification codes to facilitate tracking of the medical examination device. The modification would have been obvious as being pertinent to patient/object data, would have yielded predictable results since the specific information communicated between the control device and the medical

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examination device is not pertinent to the operation or structure of the system, the prior art system is fully capable of transmitting the claimed information, and the type of information communicated is analogous to an intended use limitation. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

6. The method of claims 12 and 15 are also anticipated as being requisite steps for the operation of the device as discussed above.

7. Regarding claims 10 and 11, Coffman et al. does not expressly disclose wherein the device is an x-ray device, or more specifically, an x-ray foot switch. However, Coffman et al. discloses that the device may be any clinical device interacting with a patient ([0110]). X-ray devices, including x-ray foot switches are well known clinical devices. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide an x-ray device or foot switch as the PSA of Coffman et al. since Applicant has not disclosed that the particular examination devices solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with any medical device.

Response to Arguments

8. Applicant's arguments filed July 6, 2007 have been fully considered but they are not persuasive. As clarified in the rejection above, RFID tags for object tracking were well known in the art at the time of the invention. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide room identification codes to facilitate tracking of the medical examination device. The modification would have been

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obvious as being pertinent to patient/object data, would have yielded predictable results since the specific information communicated between the control device and the medical examination device is not pertinent to the operation or structure of the system, the prior art system is fully capable of transmitting the claimed information, and the type of information communicated is analogous to an intended use limitation. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah Song whose telephone number is 571-272-2359. The examiner can normally be reached on M-Th 7:30am - 6:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on 571-272-2344. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sarah U. Song/
Sarah Song
Primary Examiner
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